

SENATE BILL 2757

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18 and Title 62, Chapter 21, relative to
prohibiting certain termite service contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-21-102, is amended by deleting subdivisions (15) and (21) in their entirety and by renumbering the subsequent subdivisions accordingly.

SECTION 2. Tennessee Code Annotated, Section 62-21-114, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) As used in this section, "no treatment contract" means any agreement between a chartered commercial pest control operator and a consumer that promises to prevent termite infestation without taking preventive measures.

(2) No chartered commercial pest control operator or any other person or business entity licensed under this chapter to engage in the custom application of pesticides or inspection of real property shall offer or enter into a no treatment contract for such services.

(3) A violation of subdivision (b)(2) constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Offering or entering into a no treatment contract in violation of § 62-21-114(b).

SECTION 4. This act shall apply to all contracts entered into on or after July 1, 2012, and shall not impair the obligation of any existing contract or be construed to direct courts in determining the intent of the parties who entered into a contract prior to such date.

SECTION 5. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with The Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. This act shall take effect July 1, 2012, the public welfare requiring it.